

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSITAS EDUCATION, LLC,

Judgment Creditor,

-against-

NOVA GROUP, INC., as trustee, sponsor and
fiduciary of THE CHARTER OAK TRUST
WELFARE BENEFIT PLAN,

Judgment Debtor.
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Case Nos. 11 CV 1590-LTS-HBP and
: 11-8726-LTS

**DECLARATION OF PAULA K. COLBATH, ESQ.
IN SUPPORT OF UNIVERSITAS' MOTION, PURSUANT TO CPLR 5240,
TO EXTEND THE DURATION OF THE RESTRAINING NOTICES
ISSUED TO THIRD-PARTY GARNISHEES**

PAULA K. COLBATH, an attorney admitted to practice law in the Courts of the
State of New York, declares the following under penalty of perjury pursuant to 28 U.S.C.
§ 1746:

1. I am a partner in the law firm of Loeb & Loeb LLP, attorneys for
Universitas Education, LLC ("Universitas"), the Judgment Creditor in the above-
captioned proceeding. I have personal knowledge of all of the following facts.

INTRODUCTION

2. I respectfully submit this declaration pursuant to Fed. R. Civ. P. 69(a)(1)
and N.Y. C.P.L.R. § 5240 in support of Universitas' Motion, for an Order extending the
expiration date of certain restraining notices served by Universitas on third-party
garnishees, until Universitas' Judgments against Judgment Debtors' Nova Group, Inc.,
Daniel Carpenter, Grist Mill Trust Welfare Benefit Plan and any trustees and plan

sponsors thereof insofar as they hold Grist Mill Trust assets (“Grist Mill Trust”), Grist Mill Capital, LLC, Grist Mill Holdings, LLC, Carpenter Financial Group, Avon Capital, LLC, Phoenix Capital Management, LLC, and Hanover Trust Company are satisfied in full.

3. Attached as **Exhibit 1** are true and correct copies of restraining notices served upon certain third party garnishees that are the subject of this Motion.

4. Universitas, through its undersigned counsel, certifies pursuant to the Court’s Individual Practice Rules that it has used its best efforts to informally resolve the matters raised herein. By email dated October 12, 2017, Universitas’ counsel informed Judgment Debtors’ counsel that it planned to come to Court and seek an order to show cause with temporary restraining order.

5. By Order dated January 5, 2017 (Dkt. 624), this Court granted an extension until November 30, 2019 of certain restraining notices. The restraining notices that are at issue here in this Motion, however, had not expired at the time Universitas made its prior motion and, therefore, were not made a part of the Court’s January 5, 2017 Order.

6. As such, no prior application for the relief sought has been made to this Court with regard to the restraining notices listed herein.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
October 13, 2017



PAULA K. COLBATH

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